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In re the Matter of: ) Case No.: 07-066  
 )  
 State of New Hampshire Banking ) Order To Show Cause  
 )  
 Department, )  
 )  
 Petitioner, )  
 )  
 and )  
 )  
 Omnex Group, Inc., )  
 )  
 Respondent )  
 )

This Order commences an adjudicative proceeding under the provisions of RSA 541-A:31, RSA 399-G, and BAN 204.03.

Pursuant to RSA 399-G:18, the Commissioner of the New Hampshire Banking Department (hereinafter "the Department") may issue an Order to Show Cause why a license should not be revoked, suspended, or penalties imposed or both. RSA 399-G:18 states that the Department may issue such Order when a licensee engages in any practice which violates the Chapter. RSA 399-G:21 states the Commissioner may impose penalties of up to \$2,500 per violation of the chapter.

Pursuant to RSA 383:10-d the Commissioner shall investigate conduct that is or may be an unfair or deceptive act or practice under RSA 358-A and exempt under RSA 358-A:3, I or that may violate any of the provisions of Titles XXXV and XXXVI and administrative rules adopted thereunder. The commissioner may hold hearings relative to such conduct and may order restitution for a person

1 or persons adversely affected by such conduct. The Commissioner may utilize  
2 all remedies available under the Act.

3 **NOTICE OF RIGHT TO REQUEST A HEARING**

4 The above named respondent has the right to request a hearing on this  
5 Order to Show Cause, as well as the right to be represented by counsel. Any  
6 such request for a hearing shall be in writing, and signed by the respondent  
7 or by the duly authorized agent of the above named respondent, and shall be  
8 delivered either by hand or certified mail, return receipt request, to the  
9 Banking Department, State of New Hampshire, 64B Old Suncook Road, Concord, NH  
03301.

10 If respondent fails to request a hearing or respond to the show cause  
11 order within 30 calendar days of receipt of this order, respondent shall be  
12 deemed in default, and the penalties requested will be imposed.

13 **STATEMENT OF ALLEGATIONS, APPLICABLE LAWS AND REQUEST FOR RELIEF**

14 The Staff Petition dated March 26, 2007 (a copy of which is attached  
15 hereto) are incorporated by reference hereto.

16 **ORDER**

17 WHEREAS, finding it necessary and appropriate and in the public  
18 interest, and consistent with the intent and purposes of the New Hampshire  
19 banking laws, and

20 WHEREAS, finding that the allegations contained in the Staff Petition,  
21 if proved true and correct, form the legal basis of the relief requested,

22 It is hereby ORDERED, that:

- 23 1. The Respondent shall show cause why penalties for their  
24 activity prior to licensure should not be imposed; and  
25 2. Failure to request a hearing within 30 days of the date of  
receipt of this Order shall result in a default judgment being

1 rendered and administrative penalties being imposed upon the  
2 defaulting Respondent.

3 SIGNED,

4  
5 Dated: 3/26/07

/S/  
6 PETER C. HILDRETH  
7 BANK COMMISSIONER  
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In re the Matter of: ) Case No.: 07-066  
)  
State of New Hampshire Banking ) Staff Petition  
)  
Department, )  
)  
Petitioner, )  
) March 26, 2007  
and )  
)  
Omnex Group, Inc., )  
)  
Respondent )  
)  
)  
)

I. The staff of the Banking Department, State of New Hampshire (hereinafter referred to as the "Department") alleges the following facts:

1. Respondent is a money transmitter business within the definition of RSA 399-G:1.
2. Respondent has a principal place of business of 1 Spectrum Point Drive Suite 100, Lake Forest, CA 92630 and has 8 authorized delegates in the state of New Hampshire.
3. Respondent was subject to licensure pursuant to RSA 399-G which was signed into law on June 19, 2006 and made effective on August 18, 2006.
4. Respondent submitted their license application on February 5, 2007.
5. Respondent admitted that between August 18, 2006 and the time of licensure they engaged in 1,834 transactions with New Hampshire consumers with a principal amount of \$875,552.

1 6. Respondent admitted that they earned a gross revenue from the New  
2 Hampshire transactions in the amount of \$22,000.00

3  
4 II. The staff of the Banking Department, State of New Hampshire alleges the  
5 following issues of law:

- 6 1. The Banking Department ("Department"), has jurisdiction over the  
7 licensing and regulation of persons engaged in Money Transmission  
8 business pursuant to NH RSA 399-G:2.
- 9 2. RSA 399-G:21 IV provides that any person who, either knowingly or  
10 negligently, violates any provision of RSA 399-G, may upon hearing, and  
11 in addition to any other penalty provided for by law, be subject to  
12 suspension, revocation, or denial of any registration or license, or an  
13 administrative fine not to exceed \$2,500, or both. Each of the acts  
14 specified shall constitute a separate violation, and such  
15 administrative action or fine may be imposed in addition to any  
16 criminal penalties or civil liabilities imposed by New Hampshire  
17 banking laws. Respondent is subject to revocation and/or  
18 administrative fines for violations of RSA 399-G.

19 **RELIEF REQUESTED**

20 The staff of the Banking Department requests the Commissioner take the  
21 following action:

- 22 1. Find as fact the allegations contained in section I of the Statement of  
23 Allegations of this petition.
- 24 2. Make conclusions of law relative to the allegations contained in section  
25 II of the Statement of Allegations of this petition.
3. Assess fines and administrative penalties in accordance RSA 397-A:21, for  
violations of the New Hampshire Banking Laws, in the number and amount  
equal to the violations set forth in section I of the Statement of

1 Allegations of this petition. Respondent is subject to an administrative  
2 penalty of \$2,500 for each violation of the Chapter.

- 3 4. Take such other administrative and legal actions as are necessary for  
4 enforcement of the New Hampshire Banking laws, the protection of New  
5 Hampshire citizens, and to provide other equitable relief.

6 **RIGHT TO AMEND**

7 The Department reserves the right to amend this Petition for Relief and  
8 to request that the Banking Department Commissioner take additional  
9 administrative action. Nothing herein shall preclude the Department from  
10 bringing additional enforcement action under RSA 397-A or the regulations  
11 thereunder.

12 Respectfully submitted by:

13  
14 /s/  
15 James Shepard  
Staff Attorney

3/26/07  
Date